UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:19-cv-184-RJC

TYLER WINSTEAD,)	
)	
Plaintiff,)	
)	
v.)	
)	$\underline{\text{ORDER}}$
)	
ANDREW SAUL,¹ Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant's Motion to Change Venue, (Doc. No. 7).

Jurisdiction to review any final decision of the Commissioner of Social Security is governed by 42 U.S.C. § 405(g). Phillips v. Soc. Sec. Admin., 537 F. App'x 268, 269 (4th Cir. 2013) (unpublished). Section 405(g) provides that a civil action

shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the United States District Court for the District of Columbia.

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¹ Andrew Saul became the Acting Commissioner of Social Security on June 17, 2019. Under Rule 25(d) of the Federal Rules of Civil Procedure, Andrew Saul should be substituted for Nancy A. Berryhill as the defendant in this suit. No further action is necessary under section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

42 U.S.C. § 405(g). Plaintiff indicated that he resides in the city of Concord and the

county of Cabarrus. (Doc. No. 1). Cabarrus County is one of the counties in the

Middle District of North Carolina. Therefore, venue is not proper in the Western

District of North Carolina. "The district court of a district in which is filed a case

laying venue in the wrong division or district shall dismiss, or if it be in the interest

of justice, transfer such case to any district or division in which it could have been

brought." 28 U.S.C. § 1406(a).

Upon consideration of Defendant's Motion to Transfer Venue, (Doc. No. 7),

the Motion is **GRANTED**, and the Court hereby transfers this case to the Middle

District of North Carolina and strikes this case from the docket of the Western

District of North Carolina.

SO ORDERED.

Signed: August 6, 2019

Robert J. Conrad, Jr.

United States District Judge

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